REMARKS

Claims 2 and 13 are cancelled; claims 18-21 are new; thus, claims 1, 3-12, and 14-21 are all the claims pending in the application. Claims 1-17 stand rejected on prior art grounds. A non-final rejection mailed on October 9, 2007 recites the rejection of claims 1-12 while claims 1-17 are pending. On December 6, 2007, Applicants conducted an Examiner Interview, upon which it was agreed that the Examiner would send Applicants the present supplemental non-final Office Action to correct the error. Applicants respectfully traverse the rejections of claims 1-17 based on the following discussion.

I. The Prior Art Rejections

Claims 1-17 stand rejected under 35 U.S.C. §102(b) as being anticipated by Halliday, et al. (U.S. Publication No. 2002/0083003), hereinafter referred to as Halliday. Applicants respectfully traverse these rejections based on the following discussion.

The claimed invention provides resource usage metering of network services. More specifically, process accounting information is recorded, together with service request logs written by e-service applications. These two sets of information are aggregated and correlated, to generate usage metrics relating to resource usage for individual service requests. Such per-request information can be used as a basis for charging users making such requests.

In the rejection, the Office Action argues that the prior art of record discloses many features of the claimed invention. However, nothing within Halliday mentions

overlapping service requests or overlapping software applications. Instead, Halliday only discloses overlapping "metering monitor[s]", i.e., two or more metering monitors running on the same client computer. Therefore, as explained in greater detail below, Applicants respectfully submit that the prior art of record does not teach or suggest the claimed invention.

Applicants traverse the rejections because Halliday fails to disclose the claimed features of "allocating resource usage to service requests that simultaneously use a computing resource between overlapping requests" as defined in independent claims 1, 9, 10, and 11.

The Office Action asserts that the metered software "applications" of Halliday teach the "service requests" of the claimed invention (Office Action, p. 3, para. 2). Moreover, the Office Action asserts that "Page 5, paragraph [0077] [of Halliday] shows overlapping requests" (Office Action, p. 4, para. 2). Applicants respectfully disagree and submit that nothing within Halliday mentions overlapping service requests or overlapping software applications. Instead, Halliday only discloses overlapping "metering monitor[s]", i.e., two or more metering monitors running on the same client computer (Halliday, para. 0077). Nevertheless, the "metering monitor[s]" of Halliday are not software "applications" (which the Office Action asserts teaches the "service requests" of the claimed invention) that overlap. Rather, the "metering monitor[s]" of Halliday record the usage of the software "applications".

To the contrary, as described in the Abstract of Applicants' disclosure, services requests often simultaneously consume computing resources, in which case resource

usage is proportionally divided between such simultaneous service requests. As further described in paragraph 0021 of Applicants' disclosure, the correlator 165 can use a predetermined heuristic procedure to allocate the "overlapping" usage of resources between the two requests A and B. As an example, usage may be evenly split between requests A and B. Alternatively, usage may be split in a weighted manner, based upon the respective durations of requests A and B in that window for the two competing requests. Any other predetermined heuristic can be used, though generally the allocation is intended to reflect the relative drain upon resources caused by overlapping requests.

Accordingly, Applicants submit that nothing within Halliday mentions overlapping service requests or overlapping software applications. Instead, Halliday only discloses overlapping "metering monitor[s]", i.e., two or more metering monitors running on the same client computer (Halliday, para. 0077). Therefore, it is Applicants' position that Halliday fails to disclose the claimed features of "allocating resource usage to service requests that simultaneously use a computing resource between overlapping requests" as defined in independent claims 1, 9, 10, and 11.

Further, it is Applicants' position that dependent claims 3-8, 12, and 14-21 are similarly patentable, not only because of their dependency from a patentable independent claims, but also because of the additional features of the invention they defined. In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the rejections.

II. Formal Matters and Conclusion

In view of the foregoing, Applicants submit that claims 1, 3-12, and 14-21, all the claims presently pending in the application, are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary. Please charge any deficiencies and credit any overpayments to Attorney's Deposit Account Number 09-0441.

Respectfully submitted,

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